

Remarks

Claims 2-10, 12-18, and 20-23 were rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Publication No. 2002/0168290 ("Yuzhakov") in view of U.S. Patent No. 7,396,334 ("Kuhr") and U.S. Publication No. 2007/0219462 ("Briggs"). Claims 11, 19, and 24-27 are rejected under 35 USC 103(a) as being unpatentable over Yuzhakov, Kuhr, and Briggs as applied to claim 18 in further view of US Patent No. 5,397,334 ("Schenk").

Claim 18 has been amended to include the limitations of former dependent claim 27 as well as additional limitations. Amended claim 18 requires "sealing the puncturing points by embedding each point in a soft plastic cover such that each surface of the puncture points is in contact with the soft plastic cover." The Official Action has cited Briggs and Schenk as teaching covers for puncturing points. Briggs discloses a punctiform pierceable membrane and Schenk, as best understood from looking at Fig. 2, teaches a hollow detachable cover. Accordingly, no reference has been provided that teaches the claimed limitation. Additionally, the use of a pierceable membrane 692, as disclosed in Briggs, with the test strip devices 2 of Yuzhakov does not present a likelihood of success. The pierceable membrane would disrupt the entry of liquid into the depression and travel to the test element. Accordingly, one of skill in the art would not combine the membrane 692 of Briggs with the test strip 2 of Yuzhakov. Accordingly, claim 18 and its dependents are believed to be in condition for allowance. The above noted deficiencies are present in the rejection of all pending claims. Accordingly, all pending claims are believed to be in condition for allowance. Such allowance is respectfully requested.

Claim 12 requires "a coating covering the depressions and material containing the detection element are applied to the band-shaped support material in one work step." The Official Action cites paragraph [0116] of Yuzhakov. The cited paragraph discusses sequential reagent system depositing and surface treatment. However, the paragraph does not discuss the application of simultaneous application. The Official Action further cites Briggs paragraph [0341]. The Briggs paragraph discusses coating of pierceable membrane. Applicant notes that membrane 692 does not cover depressions and does not contain the detection element as far as Applicant can tell. Thus the Official Action has failed to show simultaneous application of a detection element and a coating. The Official Action continues to state "applying different

coatings one after the other or simultaneously is well known." Applicant notes that claim 12 is not discussing application of multiple coatings. Accordingly, the Official Action has failed to make a prima facie case of obviousness with respect to claim 12.

If necessary, Applicant requests that this response be considered a request for an extension of time appropriate for the response to be timely filed. Applicant requests that any required fees needed beyond those submitted with this amendment be charged to the account of Baker & Daniels, Deposit Account No. 02-0390.

The Examiner is invited to contact the undersigned at the telephone number provided below should any question or comment arise during consideration of this matter.

Respectfully Submitted,

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